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OFFICE OF PETITIONS

In re Application of
Robert Wallace
Application No. 09/625,873
Filed: July 26, 2000
Attorney Docket No. CX099034

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 10, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." No additional fee is required with any renewed petition. Petitioner is advised that this is **not** a final agency action decision.

The above-identified application became abandoned for failure to submit the issue fee and formal drawings in a timely manner in reply to the Notice of Allowance And Fee(s) Due and Notice of Allowability mailed August 12, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on November 15, 2005.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (1) the required reply (unless previously filed), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer required pursuant to 37 CFR 1.137(d). This petition lacks item (1) above.

As to item (1), the issue fee has been received. There is, however, no indication that corrected formal drawings as required by the Notice of Allowability of August 12, 2005 have been

submitted. Accordingly, this application cannot be revived until corrected formal drawings have been submitted.

Any petition under 37 CFR 1.137(b) must be signed by one of the following: a registered patent attorney or patent agent of record appointed in compliance with § 1.32(b); a registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34; an assignee as provided for under § 3.71(b); or all of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter. The petition is presumably not signed by such a registered practitioner because there is not a registration number associated with the signature of "Lawrence T. Cullen." Nor can this name be found in the USPTO database of active registered practitioners.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
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 Post Office Box 1450
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By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300

The Change of Correspondence Address filed January 10, 2006 has not been entered.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.


Wan Laymon

Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: LAWRENCE T. CULLEN
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